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FILED

APR 18 2006

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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Attorneys for defendant CITY OF FREMONT,
CRAIG STECKLER, AND MICHAEL CHINN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER SAMSON DAVID, by and
through her attorneys-in-fact ROBERT
NOVAK and CONSTANT NOVAK,
individually and in her representative capacity
as successor in interest to Glenn P. David,

Plaintiff,

vs.

CITY OF FREMONT, a municipal
corporation; CRAIG STECKLER, individually
and in his capacity as Chief of Police for the
City of Fremont; OFFICER MICHAEL
CHINN, individually; DOES 1- 10, inclusive,

Defendants.

Case No.: C 05 00046 CW

**ORDER GRANTING ~~AS MODIFIED~~
STIPULATION CONTINUING EXPERT
REPORT DISCLOSURES AND
BRIEFING SCHEDULE AND VACATING
HEARING DATE FOR DISPOSITIVE
MOTION AND CASE MANAGEMENT
CONFERENCE**

RACHEL DAVID; M. D., by and through his
Guardian Ad Litem, LORI ALEMANIA,

Plaintiffs,

vs.

CITY OF FREMONT, a municipal
corporation; CRAIG STECKLER, in his
capacity as Chief of Police for the CITY OF
FREMONT; MICHAEL CHINN,
individually, and in his capacity as a police
officer for the CITY OF FREMONT; and
DOES 1-25, inclusive, individually and in
their capacities as police officers for the
CITY OF FREMONT,

Defendants.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The parties, acting by and through their respective legal counsel, have been cooperating in discovery matters and based on that discovery progress and the volumes of discovery materials that have been produced to date stipulate to the following with regards to scheduling of defendant's dispositive motion for summary judgment and respectfully request that the Court amend its pre-trial order regarding the disclosure of expert reports, the briefing schedule for dispositive motion and the date for hearing on said motion and the next case management conference as follows:

April 25, 2006: Defendants file and serve their motion for summary judgment by overnight express mail;

May 3, 2006: Parties to exchange their experts Rule 26 reports by overnight express mail;

May 19, 2006: Plaintiffs to file and serve their opposition briefs by hand delivery before 5:00p.m.;

1 June 2, 2006: Defendants to file and serve by overnight express mail their reply
2 brief; **thereafter, the motion for summary judgment will be deemed submitted on the**
3 **papers, and no hearing will be held unless ordered by the Court.**

4 June 16, 2006: Expert depositions completed.

5 Plaintiff Jennifer Sampson David's deposition maybe taken at any mutually convenient
6 date, time and location up until and/or during trial of the above-captioned matter.

7 **This case is referred to a Magistrate Judge for a settlement conference to be held**
8 **before September 11, 2006, at the convenience of the Magistrate Judge's calendar.**

9
10 IT IS SO STIPULATED

11
12 Dated: April 13, 2006

LAW OFFICES OF JOHN BURRIS

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14 _____
/s/

15 JOHN L. BURRIS

Airport Corporate Centre

7677 Oakport Street, Suite 1120

Oakland, CA 94611

510-839-5200

17 Attorney for Plaintiffs RACHEL DAVID and M.D.

18
19 Dated: April 13, 2006

LAW OFFICES OF MICHAEL S. SORGEN

20
21 _____
/s/

22 Michael S. Sorgen

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San Francisco, CA 94108

T: 415-956-1360

25 Attorney for Plaintiffs JENNIFER SAMSON DAVID

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27 Dated: April 12, 2006

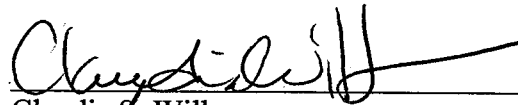
BERTRAND, FOX & ELLIOT

28 _____
/s/

Gregory M. Fox
Attorney for Defendants CITY OF FREMONT, et al.

BY STIPULATION OF THE PARTIES, IT IS SO ORDERED AS MODIFIED.

Dated: **APR 18 2006**



Claudia S. Wilken
United States District Court Judge